

MEMORANDUM

March 15, 1973

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert T. Kenney, Director
SUBJECT: BOARD OF APPEAL REFERRALS

TABLED: 3/1/73

Hearing Date: 3/27/73

Petition No. Z-2713
Ronald H. Rainer, Trustee
35 Geneva Avenue
Dorchester

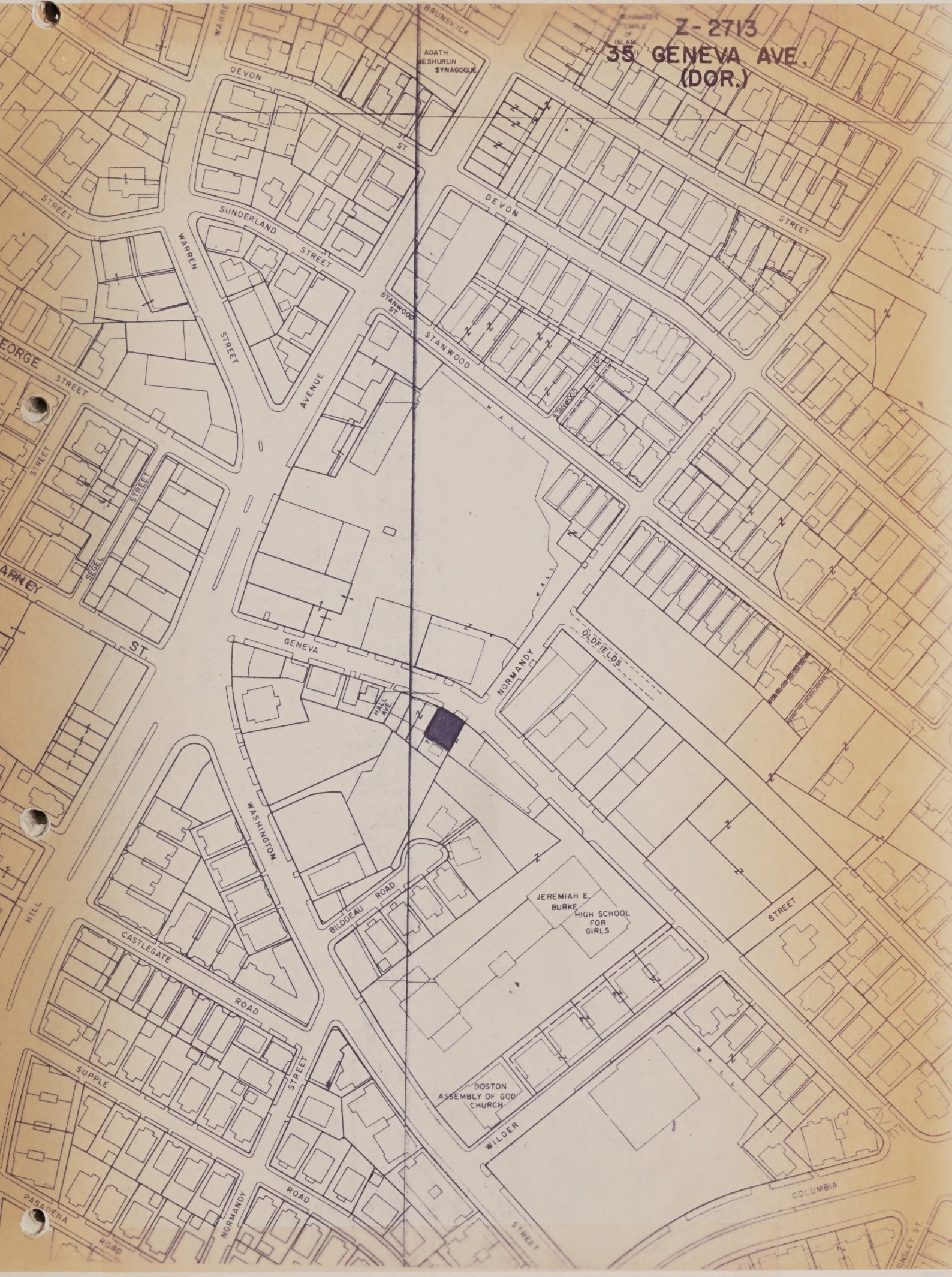
Petitioner seeks a conditional use for outdoor sale and display of used cars in a general business (B-1) district. The proposal violates the code as follows:

Section 8-7. Outdoor sale or display for sale of new or used motor vehicles is conditional in a B-1 district.

The property, located on Geneva Avenue near the intersection of Normandy Street in the Model Cities area, contains approximately 4,000 sq. ft. of land. The proposed facility for 17 cars would be compatible with other related automotive uses in the neighborhood and an improvement over the present use - taxi cabs on blocks in need of repair. Community leaders and Little City Hall are amenable to the proposal. Following provisos are recommended: that only those vehicles offered for sale be allowed on the lot; that the property be kept clean and free of debris; that all signs conform to the provisions of the code. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2713, brought by Ronald H. Rainer, 35 Geneva Avenue, in the Model Cities area, Dorchester, for a conditional use for outdoor sale and display of used cars in a general business (B-1) district, the Boston Redevelopment Authority recommends approval with the following provisos: that only those vehicles offered for sale be allowed on the lot; that the property be kept clean and free of debris; that all signs conform to the provisions of the code.

Z-2713
35 GENEVA AVE.
(DOR.)



Board of Appeal Referrals 3/15/73

Hearing Date: 3/20/73

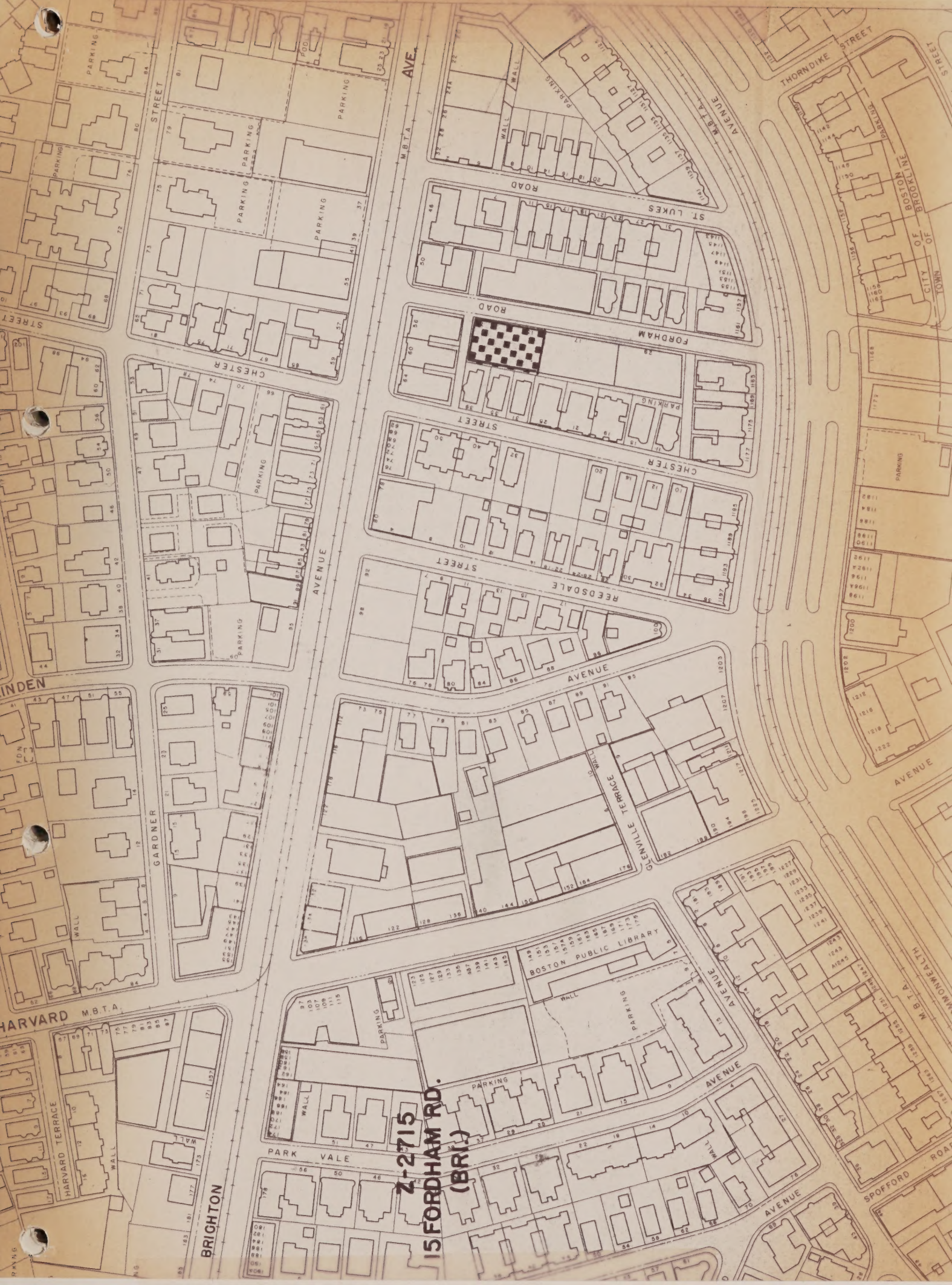
Petition No. Z-2715
Mary S. Holzwasser
Lloyd C. Dammen (Proposed Owner)
15 Fordham Road, Allston

Petitioner seeks a change in a non-conforming use and two forbidden uses for a change of occupancy from the manufacturing of automotive, electric motor and generator parts to storage of antique automobiles and storage and assembly of lightweight manufactured goods in an apartment (H-1) district. The proposal violates the code as follows:

- Section 9-2. A change in a non-conforming use requires a Board of Appeal hearing.
- Section 8-7. Storage of antique automobiles and manufactured goods is forbidden in an H-1 district.
- Section 8-7. Assembly of lightweight manufactured goods is forbidden in an H-1 district.

The property, located on Fordham Road near the intersection of Brighton Avenue, contains a two story masonry structure. The immediate neighborhood is commercial - residential. The ground level would be utilized for the storage of the proposed owner's antique cars and also those of the Larz Anderson Museum of Transportation. These vehicles would be stored on blocks and no fuel will be kept or stored therein. Records and tapes would be stored on the second floor. These substitute non-conforming uses will not have a detrimental effect on the area. Recommend approval.

VOTED: That in connection with Petition No. Z-2715, brought by Mary S. Holzwasser, 15 Fordham Road, Allston, for a change in a non-conforming use and two forbidden uses for a change of occupancy from manufacturing of automotive, electric motor and generator parts to storage of antique automobiles and storage and assembly of lightweight manufactured goods in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval. The proposed storage facility will not have a detrimental effect on this commercial - residential neighborhood.



2-2715
15 FORDHAM RD.
(BRI.)

Board of Appeal Referrals 3/15/73

Hearing Date: 3/27/73

Petition No. Z-2716
Aaron D. Spencer
695-707 Columbia Road
Dorchester

Petitioner seeks a conditional use to erect a one story restaurant in a general business (B-1) district. The proposal violates the code as follows:

Section 8-7. A take out restaurant is conditional in a B-1 district.

The property, located on Columbia Road at Edward Everett Square, Dorchester, contains a one story retail stores structure. All but one of these stores are vacant and boarded. It is proposed to erect a one story "Kentucky Fried Chicken" take out restaurant. The petitioner has consulted with the staff and has consented to modify the "standard chain" structure. Adequate off-street parking will be supplied. The proposal would restore the property to a productive occupancy and would tend to reverse a general deteriorating influence in the area. Recommend approval with design review proviso.

VOTED: That in connection with Petition No. Z-2716, brought by Aaron D. Spencer, 695-707 Columbia Road, Dorchester, for a conditional use to erect a one story restaurant in a general business (B-1) district, the Boston Redevelopment Authority recommends approval provided all plans are submitted to the Authority for design review. The proposal would restore the property to a productive occupancy and would tend to reverse a general deteriorating influence in the area.

Z-2716
695-707 COLUMBIA RD.
(DOR.)



Board of Appeal Referrals 3/15/73

Hearing Date: 4/10/73

Petition No. Z-2717
Wilfred C. Malvey
259-263 Dorchester Street and
231 West Ninth Street,
South Boston

Petitioner seeks a forbidden use and three variances for a change of occupancy from two apartments and retail package store to four apartments and retail package store in a local business (L-1) district. The proposal violates the code as follows:

		<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	Any dwelling converted for more families which does not meet the requirements of lot area, open space and off-street parking is forbidden in an L-1 district.		
Section 14-2.	Lot area for additional dwelling unit is insufficient.	1000 sf/du	0
Section 17-1.	Open space is insufficient.	400 sf/du	0
Section 23-1.	Off street parking is insufficient.	2 spaces	0

The property, located at the intersection of Dorchester and West Ninth Streets, contains a three story frame structure. Increased density without sufficient open space and off-street parking would seriously affect this heavily populated area. Community groups have expressed opposition. Recommend denial.

VOTED: That in connection with Petition No. Z-2717, brought by Wilfred C. Malvey, 259-263 Dorchester Street and 231 West Ninth Street, South Boston, for a forbidden use and three variances for a change of occupancy from two apartments and retail package store to four apartments and retail package store in a local business(L-1) district, the Boston Redevelopment Authority recommends denial. Increased density without sufficient open space and off-street parking would seriously affect this heavily populated area. Community groups have expressed opposition.

259-263 DORCHESTER ST.
231 WEST NINTH ST.
(S.B.)



Board of Appeal Referrals 3/15/73

Hearing Date: 4/10/73

Petition No. Z-2718
Kenneth R. & Cynthia M. Scott
35 South Russell Street
Boston

Petitioner seeks three variances to legalize the occupancy of a one family dwelling and remodeling of a sun deck in an apartment (H-2-65) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 17-1. Open space is insufficient.	150 sf	0
Section 20-1. Rear yard is insufficient.	10 ft.	0
Section 20-3. Rear yard projection within ten feet of lot line.		

The property, located on South Russell Street near the intersection of Myrtle Street, contains a three story masonry structure which has been occupied as a single family since 1966. Work on the sun deck has been completed. Recommend approval with proviso that all remodeling work comply with the provisions of the Boston Building Code.

VOTED: That in connection with Petition No. Z-2718, brought by Kenneth R. & Cynthia M. Scott, 35 South Russell Street, Boston, for three variances to legalize the occupancy of a one family dwelling and remodeling of a sun deck in an apartment (H-2-65) district, the Boston Redevelopment Authority recommends approval with the proviso that all remodeling work comply with the provisions of the Boston Building Code.



Z-2718
35 SOUTH RUSSEL ST.
(B.P.)

FROG

SOLDIERS & SAILORS MONUMENT

BEACON

UNDERGROUND GARAGE EIT
WALL

COMMONWEALTH
OF
MASSACHUSETTS
STATE HOUSE

MT. VERNON
PLACE

JOY PLACE

MT VERNON

PICKNEY

MYRTLE

REVERE

DERNE

HANCOCK

SMITH COURT

BOSTON SCHOOL
COMMITTEE
ANNEX

STREET

GARDEN

IRVING

ANDERSON

GROVE

PHILLIPS

Board of Appeal Referrals 3/15/73

Hearing Date: 3/27/73

Petition No. Z-2724
Suffolk University
32 Hancock Street
Boston

Petitioner seeks three variances for a change of occupancy from lodging house to 17 apartments and erect a three story addition in an apartment (H-2-65) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 15-1. Floor area ratio is excessive.	2.0	4.3
Section 17-1. Open space is insufficient.	150 sf/du	38 sf
Section 20-7. Rear yard is insufficient.	20 ft.	0

The property, located on Hancock Street near the intersection of Derne Street, contains a 4½ story apartment structure and a two story shell of a former apartment structure. It is proposed to combine, reconstruct and restore the fire damaged structures (39 room lodging facilities) to private and taxable ownership. Staff recommends that off-street parking be provided at nearby facilities and that all plans be submitted for design review. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2724, brought by Suffolk University, 32 Hancock Street, Boston, for three variances for a change of occupancy from a lodging house to 17 apartments and erect a three story addition in an apartment (H-2-65) district, the Boston Redevelopment Authority recommends approval provided that off-street parking is provided at nearby facilities and that all plans are submitted to the Authority for design review.



Z-2724
32 HANCOCK ST.
(B.P.)

Board of Appeal Referrals 3/15/73

Hearing Date: 4/3/73

Petition No. Z-2726
Copley Operating Corporation
Irving N. Saunders, President
43-49 Newbury and 247-249
Berkeley Streets, Boston

Petitioner seeks a conditional use for a change of occupancy from offices and stores to offices, store and restaurant in a general business (B-4-70) district. The proposal violates the code as follows:

Section 8-7. A restaurant is conditional in a B-4 district.

The property, located at the intersection of Newbury and Berkeley Streets, contains a five story masonry structure. Proposal includes conversion of a major portion of the existing street level florist shop to a restaurant serving food entirely for consumption on the premises. Approximately 126 persons would be accommodated by the facility. The florist shop would continue to operate in a smaller area at street level. Conversion complys with required conditions and is consistent with the character of this retail district. Recommend approval.

VOTED: That in connection with Petition No. Z-2726, brought by Copley Operating Corporation, 43-49 Newbury and 247-249 Berkeley Streets, Boston, for a change of occupancy from offices and stores to offices, store and restaurant in a general business (B-4-70) district, the Boston Redevelopment Authority recommends approval. The conversion complys with required conditions and is consistent with the character of this retail district.



Z-2726
43-49 NEWBURY ST.
247-249 BERKELEY ST.
(B.P.)

Board of Appeal Referrals 3/15/73

Hearing Date: 3/20/73

Petitions Nos. Z-2727-2728
Ten Sixty-Six Realty
Bernard Smullen, Trustee
437 & 439 Cambridge Street
Brighton

Petitioner seeks two forbidden uses and six variances for a change of occupancy in each of two buildings from six to twelve apartments in a general business (B-1) district. The proposal violates the code as follows:

<u>437 & 439 Cambridge Street</u>	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet one half the requirements of lot area, open space and off-street parking is forbidden in a B-1 district.		
Section 14-2. Lot area for additional dwelling unit is insufficient.	1500 sf/du	0
Section 17-1. Open space is insufficient.	800 sf/du	118 sf/du
Section 23-1. Off street parking is insufficient.	10 spaces	0

The property, located on Cambridge Street between Rugg Road and Denby Road, contains two, three-story partially fire damaged masonry structures. Proposed unit increase is unwarranted, would be hazardous and would overcrowd the structures. There are no provisions for off-street parking in this heavily congested commercial - residential district. Recommend denial.

VOTED: That in connection with Petitions Nos. Z-2727-2728, brought by Ten Sixty-Six Realty, Bernard Smullen, Trustee, 437 & 439 Cambridge Street, Brighton, for a change of occupancy in each of two buildings from six to twelve apartments in a general business (B-1) district, the Boston Redevelopment Authority recommends denial. Proposed unit increase is unwarranted, would be hazardous and would overcrowd the structure. There are no provisions for off-street parking in this heavily congested commercial - residential district.

Z-2727-28

437-439 CAMBRIDGE ST.

(BRI.)



Board of Appeal Referrals 3/15/73

Hearing Date: 3/27/73

Petition No. Z-2730
Nabro Realty Trust
Louis A. Seigel, Agent
89 Heath Street
Jamaica Plain

Petitioner seeks a change in a non-conforming use for a change of occupancy from spray and dip painting of metal products to manufacture and distributor of syrup products in a residential (R-.8) district. The proposal violates the code as follows:

Section 9-2. A change in a non-conforming use requires a Board of Appeal hearing.

The property, located on Heath Street near the intersection of Bickford Avenue, contains a vacant one story masonry structure. Essentially the proposed use consists of the manufacture of non-carbonated syrups and fruit juices and their packaging, sale and distribution; also the sale and distribution at wholesale of paper products. There would be no noxious odors or fumes. It is recommended that the parking lot be screened from the Bromley Heath development by an opaque fence and that no loading or receiving occur on Heath Street. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2730, brought by Nabro Realty Trust, Louis A. Seigel, 89 Heath Street, Jamaica Plain, for a change in a non-conforming use for a change of occupancy from spray and dip painting of metal products to manufacture and distributor of syrup products in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval provided the parking lot be screened from the Bromley Heath development by an opaque fence and that no loading or receiving occur on Heath Street.



Z-2730
89 HEATH ST.
(J.P.)

Board of Appeal Referrals 3/15/73

Hearing Date: 4/24/73

Petition No. Z-2733

State Temple Church of God in Christ

Rev. Louis C. Young, Pastor

14-18 Fessenden Street, Mattapan

Petitioner seeks a conditional use and a variance for a change of occupancy from a synagogue to a synagogue and day care center in a residential (R-.8) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. A day care center is conditional in an R-.8 district.		
Section 23-3. Off street parking is insufficient.	7 spaces	0

The property, located on Fessenden Street near the intersection of Blue Hill Avenue, contains a one-story masonry structure. Accommodations would be provided for 60 children. The synagogue has been utilized for various community activities and accessory Sunday school classrooms. A playground facility is located within a block of the site. Recommend approval.

VOTED: That in connection with Petition No. Z-2733, brought by State Temple Church of God in Christ, 14-18 Fessenden Street, Mattapan, for a conditional use and a variance for a change of occupancy from a synagogue to a synagogue and day care center in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval. The site is appropriate; adequate facilities would be provided for this community use. A playground facility is located within a block of the property.



Z-2733
14-18 FESSENDEN ST.
(MATT)

Board of Appeal Referrals 3/15/73

Hearing Date: 5/1/73

Petition No. Z-2734
Bunker Hill Associates
Todd Bogatay
13-15 Essex Street
Charlestown

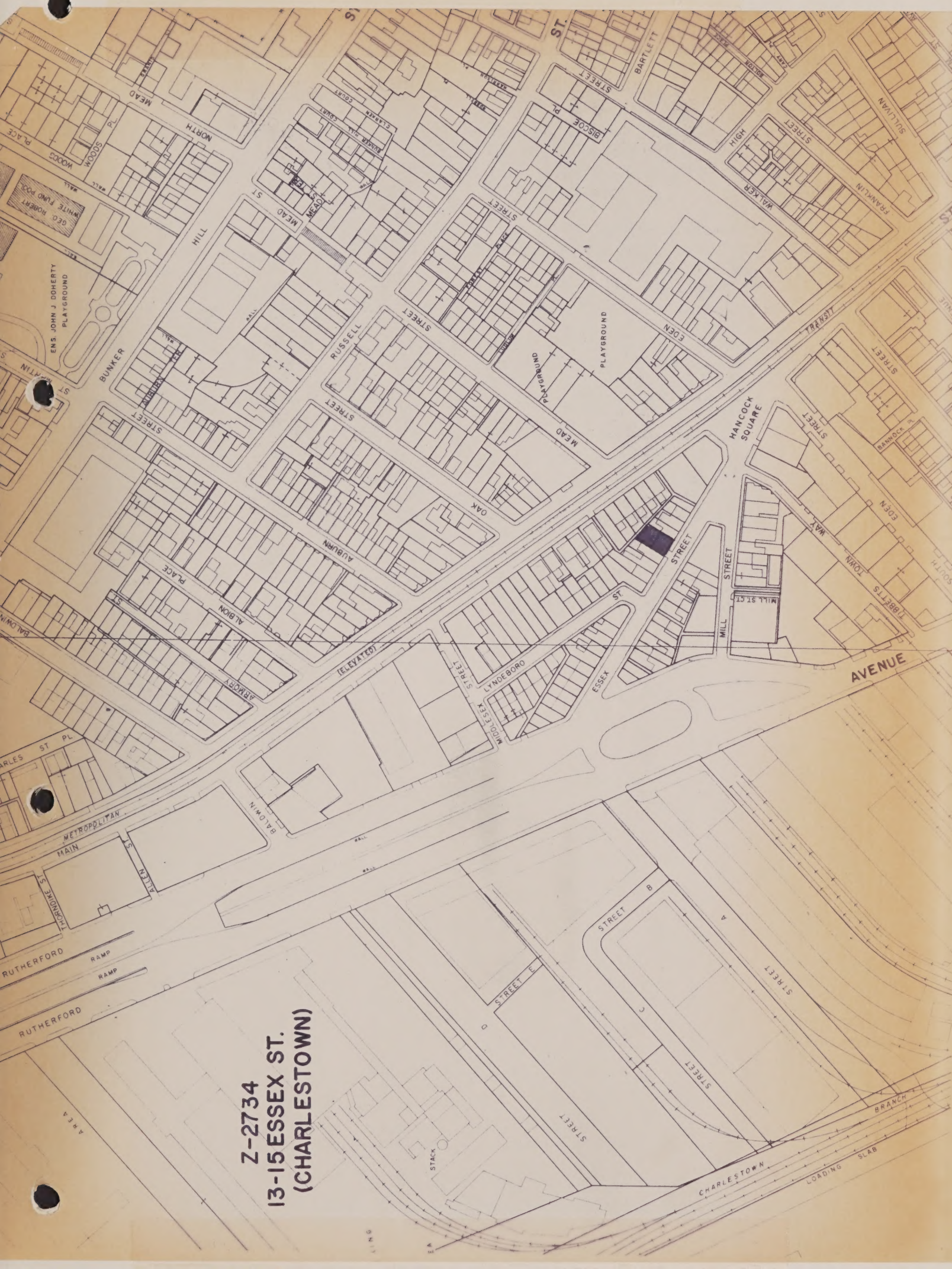
Petitioner seeks a forbidden use and a variance for a change of occupancy from a one family dwelling and store to a two family dwelling and office of resident architect in an apartment (H-1) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirements of lot area is forbidden in an H-1 district.		
Section 14-2. Lot area for additional dwelling unit is insufficient.	1000 sf/du	0

The property, located on Essex Street near the intersection of Main Street in the Charlestown Urban Renewal Area, contains a two story frame structure. The proposal is consistent with the residential nature of the neighborhood and does not conflict with the objectives of the Urban Renewal Plan. Recommend approval.

VOTED: That in connection with Petition No. Z-2734, brought by Bunker Hill Associates, 13-15 Essex Street in the Charlestown Urban Renewal Area, for a forbidden use and a variance for a change of occupancy from a one family dwelling and store to a two family dwelling and office of resident architect in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval. The proposal is consistent with the residential nature of the neighborhood and the objectives of the Charlestown Urban Renewal Plan.

Z-2734
13-15 ESSEX ST.
(CHARLESTOWN)



Board of Appeal Referrals 3/15/73

Hearing Date: 4/3/73

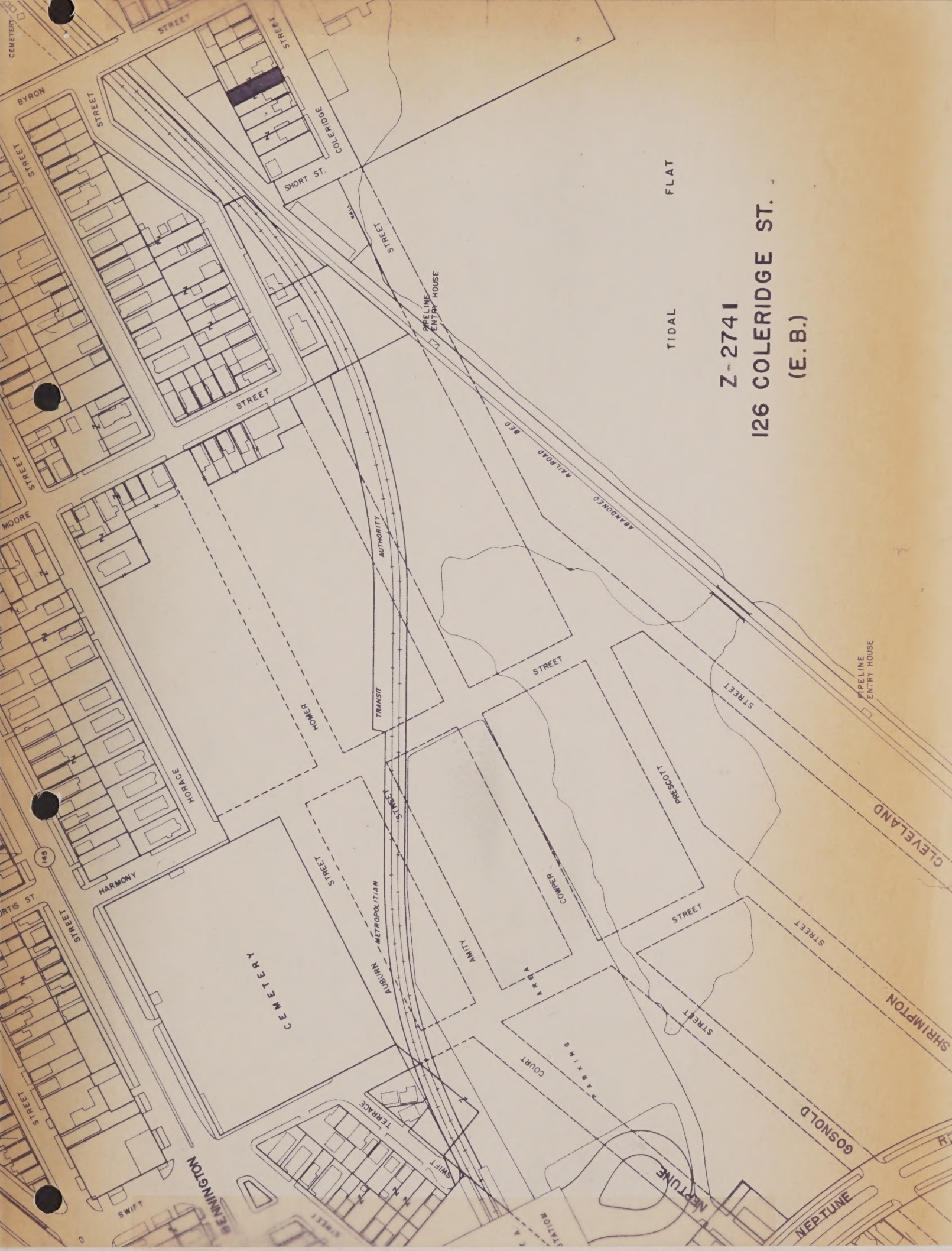
Petition No. Z-2741
John J. Spano
126 Coleridge Street
East Boston

Petitioner seeks a variance to erect an above grade swimming pool in a residential (R-.5) district. The proposal violates the code as follows:

Section 8-7. Swimming pool is within four feet of side lot line.

The property, located on Coleridge Street near the intersection of Byron Street, contains a one family dwelling. The pool (12' x 24') is already existing in the rear yard. All lighting associated with the pool must be directed away from abutting residential properties.
Recommend approval with proviso:

VOTED: That in connection with Petition No. Z-2741, brought by John J. Spano, 126 Coleridge Street, East Boston, for a variance to erect an above grade swimming pool in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval provided all lighting associated with the pool is directed away from abutting residential properties.



TIDAL FLAT

Z-2741
126 COLERIDGE ST.
(E.B.)

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